

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GABRIELA NIEVES,

Plaintiff,

v.

Case No: 1:20-cv-00320-JMS-DML

CARMEL CLAY SCHOOLS,

Defendant.

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO AMEND CASE
MANAGEMENT PLAN TO EXTEND LIABILITY DISCOVERY DEADLINE ONLY**

Defendant, Carmel Clay Schools (“Defendant”), respectfully submits this Response to Plaintiff’s Motion to Amend Case Management Plan to Extend Liability Discovery Deadline Only.

Defendant states:

1. This case concerns Title IX and negligence claims advanced by Plaintiff Gabriela Nieves (“Plaintiff”) against Defendant.

2. The Court amended the discovery deadlines in this case on October 21, 2020. (Dkt. # 74.) Discovery related to liability issues was ordered to be completed by June 30, 2021 and the dispositive motion deadline was set for July 16, 2021. (*Id.* at p. 2.)

3. Defendant has produced thousands of documents in this case, which amounts to nearly 25,000 pages of records. Defendant disputes Plaintiff’s characterization that its responses to discovery have been “incomplete and evasive.” All of Defendant’s objections to discovery have been made under the standards set forth by the Federal Rules of Civil Procedure and timely raised.

4. Nevertheless, Defendant does not object to Plaintiff’s request for extension of time to conduct liability discovery if Plaintiff believes she needs additional time to complete it and/or additional time for the Court to address any discovery matters between the parties.

5. Defendant only objects to Plaintiff's request for extension of time to conduct liability discovery to the extent she has requested that Defendant's dispositive motion deadline not be extended.

6. Defendant should not be expected to prepare and file a Motion for Summary Judgment when fact and liability discovery is still actively ongoing.

7. The Case Management Plan for the Southern District of Indiana contemplates that the Dispositive Motion Deadline will be set after the conclusion of liability issues and non-expert witness discovery where, as here, the parties have selected "Track 2" for the dispositive motion deadline.

8. Defendant does not object to Plaintiff's requested extension of liability discovery, but requests that the Court enter an order with a corresponding extension of the dispositive motion deadline.

WHEREFORE, Defendant respectfully requests that Plaintiff's Motion to Amend Case Management Plan to Extend Liability Discovery Deadline Only be denied, unless the Court also orders a corresponding extension of the dispositive motion deadline.

DATED: April 22, 2021

Respectfully Submitted,

/s/ Jessica Williams Schnelker

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2021, a true and exact copy of the foregoing was filed electronically via the Court's Electronic filing system. Notice of this filing was sent to the following persons by operation of the Court's Electronic filing system.

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